

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALAN BLACK,

Defendant.

Case No. 17-20656
Honorable Laurie J. Michelson

**ORDER ON DEFENDANT'S MOTION TO INVALIDATE THE PENALTY
ENHANCEMENT INFORMATION [34]**

In October 2017, Alan Black was indicted on charges of possession with intent to distribute heroin and conspiracy to do the same. (ECF No. 1.) Eventually, the government filed a notice that Black was subject to a penalty enhancement for a prior “serious drug felony,” 21 U.S.C. § 802(57). (ECF No. 32.)

Before pleading guilty to or being convicted on the charges in the indictment, Black moved to invalidate the penalty enhancement. (ECF No. 34.) Black’s motion was fully briefed. (ECF Nos. 34, 36, 37.) The parties dispute whether Black “served a term of imprisonment of more than 12 months” for the prior state court conviction. The Court heard oral argument on April 24, 2019. For the reasons more fully stated on the record in the court’s oral ruling, Black’s motion is denied without prejudice as premature.

IT IS SO ORDERED.

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

Date: April 24, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record and/or pro se parties on this date, April 24, 2019, using the Electronic Court Filing system and/or first-class U.S. mail.

s/William Barkholz
Case Manager